

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

ATM SYSTEMS CORPORATION,

*Defendant*

---

Civil Action No. 12-1265-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

CARDTRONICS, INC., et al.,

*Defendants*

---

Civil Action No. 12-1268-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

SEIKO EPSON CORP., et al.,

*Defendants*

---

Civil Action No. 12-1269-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

PANASONIC CORPORATION, et al.,

*Defendants*

---

Civil Action No. 12-1275-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

LEXMARK INTERNATIONAL INC.,

*Defendant*

---

Civil Action No. 12-1272-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

PAYMENT ALLIANCE  
INTERNATIONAL, INC.,

*Defendant*

---

Civil Action No. 12-1276-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

RICOH COMPANY, LTD., et al.,

*Defendants*

---

Civil Action No. 12-1277-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

TOSHIBA CORP., et al.,

*Defendants*

---

Civil Action No. 12-1280-SLR

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

DELL INC,

*Defendant*

Civil Action No. 12-1327-SLR

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

MULTI-TECH SYSTEMS, INC.,

*Defendant*

Civil Action No. 12-1331-SLR

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

STARTECH.COM, LTD., et al.,

*Defendants*

Civil Action No. 12-1333-SLR

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

TRENDNET, INC.,

*Defendant*

Civil Action No. 12-1335-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

ZOOM TECHNOLOGIES, INC., et al.,

*Defendants*

---

Civil Action No. 12-1337-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

EQUINOX PAYMENTS, LLC,

*Defendant*

---

Civil Action No. 13-0908-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

INGENICO SA, INGENICO CORP. and  
INGENICO INC.,

*Defendants*

---

Civil Action No. 13-0907-SLR

---

TELECOMM INNOVATIONS, LLC,

*Plaintiff*

v.

VERIFONE SYSTEMS, INC.,

*Defendant*

---

Civil Action No. 13-0909-SLR

**REQUEST FOR A TELEPHONIC STATUS CONFERENCE**

Plaintiff Telecomm Innovations, LLC (“Telecomm”) respectfully submits this request for a telephonic status conference to notify the Court regarding a potential issue concerning the chain of title for the patent-in-suit, to provide the Court a suggested plan of action, and to seek the Court’s guidance regarding the associated procedural issues.

Telecomm recently became aware of an issue regarding a potential unintentional gap in the chain of title to the patents-in-suit, U.S. Patent Nos. 5,396,519 (“the ’519 Patent”) and 5,600,712 (“the ’712 Patent”). Telecomm has investigated the facts and the law surrounding this issue. As a result of this investigation and out of prudence, Telecomm has opted to perfect the chain of title through execution of additional assignment documents.

However, based on a review of the relevant Federal Circuit case law, including *Abraxis Bioscience, Inc. v. Navinta LLC*, 625 F.3d 1359 (Fed. Cir. 2010), it appears that Telecomm may not have had Article III standing at the time the original complaint was filed as a result of this potential gap, and that this issue may not be remediable by the supplemental assignments. Rather, under *Abraxis*, it appears that the original complaint may need to be dismissed and a new complaint filed. Additional case law, including *University of Pittsburgh v. Varian Medical Systems, Inc.*, 569 F.3d 1328 (Fed. Cir. 2009), confirms that dismissal of the original actions should be without prejudice, to allow such dismissal and re-filing.

Accordingly, Telecomm has initiated these procedures. In particular, to avoid any issues regarding venue, Telecomm has filed a new action against each Defendant in the above-captioned cases. Telecomm has also notified counsel for Defendants regarding the facts described above, has provided each Defendant a copy of this Notice in advance of its submission to the Court (along with copies of the cases cited herein), and has proposed resolving the procedural issues with the minimum inconvenience to the Court and to the parties. In particular,

Telecomm proposes that the parties stipulate to jointly dismiss the original cases without prejudice and to proceed with the new respective complaint against each Defendant, with the parties agreeing to adopt and be bound in the new actions by any pleadings, filings, discovery, orders, documents, and hearings from the current actions (with appropriate extensions as necessary in light of this procedural issue). This would allow the new actions to proceed with as little disruption and inconvenience as possible. Telecomm believes that such a procedure is fully in compliance with relevant case law including *Abraxis* and *University of Pittsburgh*.

Telecomm now respectfully requests a telephonic status conference to seek the Court's guidance regarding the Court's preference for handling these procedural issues, at a time as may be convenient for the Court and counsel for all parties. This Request is being filed in all cases for clarity of the record.

Dated: July 19, 2013

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

Stamatios Stamoulis #4606

stamoulis@swdelaw.com

Richard C. Weinblatt #5080

weinblatt@swdelaw.com

Two Fox Point Centre

6 Denny Road, Suite 307

Wilmington, DE 19809

Telephone: (302) 999-1540

Timothy Devlin #4241

tdevlin@farneydaniels.com

FARNEY DANIELS PC

1220 Market Street, Suite 850

Wilmington, DE 19801

Telephone: (302) 300-4626

*Attorneys for Plaintiff*

*Telecomm Innovations LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on July 19, 2013, to all counsel who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Richard C. Weinblatt

Richard C. Weinblatt